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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,787	01/23/2004	Frederick Browne Gregg	64906-CON1	7948
<div>7590 07/30/2007</div> <div>Christopher F. Regan Allen, Dyer, Doppelt, Milbrath, Gilchrist, P.A. P.O. Box 3791 Orlando, FL 32802-3791</div> <div>EXAMINER CHIMIAK, EMILY ANN</div> <div>ART UNIT 1733 PAPER NUMBER</div> <div>MAIL DATE 07/30/2007 DELIVERY MODE PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/763,787	Applicant(s) GREGG ET AL.	
	Examiner Emily Chimiak	Art Unit 1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see Advisory Action Attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 61-63, 65-74 and 76.
Claim(s) withdrawn from consideration: 64 and 75.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see Advisory Action Attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Advisory Action Attachment

new issues

The new issues include: (1) in claim 61, deleting --cutting the core material and at least one face layer secured thereto into a plurality of uncured wallboard or backerboard sheets-- and (2) adding new claim 78 reciting --cutting the cured core material and at least one face layer secured thereto into a plurality of cured wallboard or backerboard sheets--.

remarks

Applicant acknowledges that Blom discloses a method for making blocks of aerated concrete including forming a block of uncured aerated concrete, cutting the uncured aerated concrete block in one direction, subsequently cutting the uncured aerated concrete block in a perpendicular direction, and curing the uncured crosscut aerated concrete block in an autoclave.

Applicant argues that Blom is deficient in disclosing securing face layers on core material. This argument is not persuasive since Teare and Emerson, both directed to producing cement containing products, provide ample motivation (improved strength) to secure face sheets to the uncured aerated concrete (uncured cement containing material) of Blom.

Applicant comments that Emerson discloses a method for reinforcing gypsum wallboard comprising layers of cardboard and gypsum plaster. More properly, Emerson teaches obtaining reinforcing effect at or near the surface of a wallboard by applying

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meshed material to uncured cement material wherein the meshed material may be cotton gauze, wire cloth or perforated paper.

Applicant comments and examiner agrees that Teare discloses a method for making concrete boards. Examiner adds that Teare teaches applying reinforcing fabric (e.g. woven glass fiber yarns) on uncured concrete (uncured cement containing material).

Applicant argues "[n]one of the cited references discloses or fairly suggests the order of the claimed invention" (page 9). This argument is not persuasive since Blom discloses a specific order of cutting steps before curing the cement material in the aerated concrete and the applied secondary prior art to Teare and Emerson teach applying the facing sheet before curing the cement material in the core; it being noted that Blom states: "The receiving support comprises supplementarily a carriage 61 arranged to transport the cut block units from the jack members to other stations in the plant, maybe directly to the autoclave E" (col. 5 lines 29-32).

Applicant argues that one of ordinary skill in the art would consider autoclaving the fiber glass fabric of Teare or the cotton gauze of Emerson in the autoclave of Blom to be inoperable. This argument is not persuasive. Blom discloses curing the cement material of the uncured aerated concrete blocks at a temperature of for example 200 degrees C in the autoclave. See col. 1 lines 48-50 of Blom. One of ordinary skill in the art would readily understand that the face sheet (e.g. glass fiber fabric, wire cloth) suggested by the applied secondary prior art to have a melting point above the temperature (e.g. 200 degrees C) used by Blom in the autoclave such that there would

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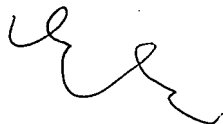
be a reasonable expectation of success for using such face sheet in the process of Blom.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Chimiak telephone number is (571) 272-6486.


The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Emily Chimiak
July 27, 2007



STEVEN D. MAKI 7-27-07
PRIMARY EXAMINER